

WILLIAMSBURG BOARD OF ZONING APPEALS MINUTES

December 2, 2003

The regular meeting of the Williamsburg Board of Zoning Appeals was held on Tuesday, December 2, 2003 at 3:00 p.m. in the Williamsburg Municipal Building, 401 Lafayette Street.

ATTENDANCE

Present were Board members Carr, Kafes, Knudson, and White. Absent was Board member Chohany. Also present was Zoning Administrator Murphy.

CALL TO ORDER AND MINUTES

Chairman Carr called the meeting to order.

Ms. Knudson moved that the minutes of the November 4, 2003 meeting be approved as corrected. The motion was seconded by Ms. White and carried by a roll call vote of 4-0.

PUBLIC HEARINGS

BZA #03-18: Request of David Reichert for a variance from Section 21-481 of the Zoning Ordinance to remove an existing deck for construction of a sunroom located nine inches into the 25 foot rear yard setback. The property is located at 29 Frenchmens Key, Williamsburg Tax Map Number 555-(04)-00-100 and is zoned Planned Unit Development (PUD). Approved.

Chairman Carr introduced the request.

Ms. White stated her abstention from discussion and vote due to a conflict of interest.

Ms. Gougherty who lives at 254 William Way and who is representing the owners today, stated the Reicherts are requesting a nine-inch variance to the rear yard setback to construct a sunroom. She added that the additional room is needed due to changing family needs with the addition of grandchildren. Ms. Gougherty noted that she is helping the Reicherts with the interior decoration of their home and that the nine-inch variance requested would allow for more room for furniture in the sunroom.

Mr. Kafes asked if the nine-inch variance was only along the rear property line and asked that Ms. Gougherty comment on the window configuration problem stated in the contractor's letter. Ms. Gougherty noted a variance was only needed in the rear and that regarding the window configuration problem, the larger window would provide better visibility. She also noted that Port Anne Homeowners Association would go along with the Board's decision if the variance was granted.

Chairman Carr opened the public hearing.

There being no comment, the public hearing was closed.

Mr. Kafes noted a problem with granting a variance giving more encroachment into the rear yard setback than the existing deck. He also noted that the request is adjacent to common area in the rear and there is no question of crowding.

Mr. Kafes moved for approval of the variance to permit the footprint of the existing deck, which is four inches, based on fulfillment of Section 21-97(b)2. "No such variance shall be authorized by the board unless it finds:

- a. That the strict application of this chapter would produce undue hardship.
- b. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
- c. That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance."

Ms. Knudson seconded the motion.

Mr. Carr stated he believed, that in this case, the difference between four and nine inches for the sunroom addition was acceptable.

Mr. Kafes amended his motion to grant the applicants' request for up to nine inches due to the sunroom being adjacent to common area. Ms. Knudson agreed to the amendment. The amended motion carried by roll call vote of 3-0-1.

Recorded vote on the motion:

Aye: Kafes, Carr, Knudson
No: None
Abstain: White
Absent: Chohany

OLD BUSINESS - None

NEW BUSINESS

2003 Annual Report - The Board approved the 2003 Annual Report conditioned upon the addition of Rules and Procedures being added and minor changes as discussed at the meeting

There being no further business the meeting adjourned at 3:20.

Respectfully submitted,

Judith N. Knudson, Vice Chairman
Board of Zoning Appeals